THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.1218 OF 2000

ORAL ORDER:

The petitioners, 16 in number, claim to be the owners and possessors of small extents of land in Sy.Nos.34/1 & 2 of Bumruknoudowla village, Rajendranagar mandal, Ranga Reddy District. It is claimed that the total land in possession of the petitioners is to the extent of Ac.4.00 which forms part and parcel of Ac.10.00 cents assigned in favour of one D. Pratap Reddy, a freedom fighter, from whom the petitioners had purchased. It is alleged that the respondents herein have been taking steps to dispossess the petitioners highhandedly at the instance of the District Collector. As a matter of fact, aggrieved by the cancellation of patta granted in favour of their vendor, W.P.No.26015 of 1999 was filed, which is pending before this Court. Hence, this writ petition seeking a declaration that the alleged action of the respondents is arbitrary and illegal.

A counter affidavit has been filed by the Commissioner, Rajendranagar Municipality, stating that the land in question forms part of tank bed of Mir Alam Tank, which was declared by the Government of Andhra Pradesh as recreational land. Hence, sale of the said land by converting into plots is illegal and contrary to the sanctioned master plan. At any rate, the respondents never interfered with the possession of the said land, which is as a matter of fact, open land. Since the petitioners, who are all neighbours, have been dumping wastage and garbage in the said land, the 1st respondent-Municipality has taken up fencing work with barbed wire to develop greenery and to protect the lake from pollution.

No affidavit in reply has been filed by the petitioners nor any other material is placed before this Court rebutting the version of the respondents.

Since the ownership claimed by the petitioners itself is in

dispute and particularly keeping in view that the land in question forms part of tank bed land, I do not find any justifiable reason to grant the *mandamus* as prayed for. However, this shall not preclude the petitioners to work out the appropriate common law remedy for declaration of their rights and redressal of their grievance, if any.

The writ petition is accordingly, disposed of. No costs.

_____

(G. ROHINI, J.)

20th June, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.1218 OF 2000

20th June, 2007.

Between:

Mohd. Ghousuddin and others. ..Petitioners.

And

The Commissioner,
Rajendranagar Municipality,
Rajendranagar,
R.R. District and another. .. Respondents.